

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TIMOTHY L. VAN BUREN SR.,	)	
	)	
Plaintiff,	)	4:06CV3295
	)	
v.	)	
	)	
BURLINGTON NORTHERN SANTA FE	)	ORDER
RAILWAY, Company, A	)	
Corporation,	)	
	)	
Defendant.	)	
	)	

---

The plaintiff filed an amended complaint without leave of the court. Filing 23. The defendant moved to strike the amended complaint for the reasons set forth in its motion and accompanying brief. Filing 27. The parties have discussed and addressed the defendant's concerns related to the filing of plaintiff's proposed amended complaint (filing 23). Accordingly, the plaintiff has now filed an unopposed motion for leave to file the filing 23 document as an amended complaint. Filing 30.

IT THEREFORE HEREBY IS ORDERED:

1. The plaintiff's amended complaint, filing 23, is stricken, and is deemed to be an attached proposed amended complaint to plaintiff's filing 30 motion.
2. The plaintiff's unopposed motion for leave to file an amended complaint, filing 30, is granted, and the plaintiff shall file his amended complaint on or before April 9, 2007.
3. The defendant's motion to strike, filing 27, is denied as moot.

DATED this 6<sup>th</sup> day of April, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge